

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

J.C. PENNEY CORPORATION, INC.,

PLAINTIFF,

v.

CAROUSEL CENTER COMPANY, L.P.,

DEFENDANT.

STIPULATION OF
DISCONTINUANCE

CIV. No.: 5:02-CV-1360
(FJS) (DEP)

Plaintiff J.C. Penney Corporation, Inc. and Defendant Carousel Center Company, L.P.,
by their respective attorneys, hereby stipulate as follows:

1. The above-named parties are all of the parties who have appeared in this action.
2. None of the above-named parties are an infant, an incompetent person for whom a committee has been appointed or a conservatee.
3. There being no person not a party who has an interest in the subject matter of the action, the parties hereby stipulate and agree that this action shall be dismissed pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, with prejudice and on the merits, each party to bear its own costs incurred prior to the date of this stipulation.

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SO ORDERED


FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

10/16/09